

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 173

HOUSE BILL 2069

AN ACT

AMENDING SECTIONS 15-442 AND 16-312, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-410; AMENDING SECTIONS 16-411, 16-542 AND 16-544, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-442, Arizona Revised Statutes, is amended to
3 read:

4 15-442. Record of school district boundaries; limitation on
5 change; notice to governing board

6 A. The county school superintendent ~~shall~~, on or before December 1
7 each year, SHALL file with the board of supervisors and the county assessor a
8 transcript of the boundaries of each school district within the county. The
9 boundaries shown in the transcript shall become the legal boundaries of the
10 districts as of the following July 1.

11 B. The boundaries of a school district shall not be changed except as
12 provided in this title and then only after the governing boards of the
13 districts affected have had written notice of the proposed change from the
14 county school superintendent and have had an opportunity to be heard.

15 C. IF THE COUNTY SCHOOL SUPERINTENDENT AND COUNTY ASSESSOR DETERMINE
16 THAT THE BOUNDARIES OF ANY SCHOOL DISTRICT ARE IN CONFLICT WITH ONE ANOTHER
17 OR WITH OTHER INTERSECTING LEGAL BOUNDARIES, TRAVERSE WITHIN A LEGALLY
18 DESCRIBED BOUNDARY OR ARE INCORRECTLY DESCRIBED, THE COUNTY SCHOOL
19 SUPERINTENDENT SHALL CHANGE, RECONCILE AND DESCRIBE THE SCHOOL DISTRICT
20 BOUNDARIES ACCURATELY AND SHALL MAKE A REPORT OF THOSE BOUNDARY ADJUSTMENTS
21 TO THE BOARD OF SUPERVISORS. WHEN THE BOARD OF SUPERVISORS APPROVES A
22 DISTRICT BOUNDARY REPORT THAT IS SUBMITTED BY THE COUNTY SCHOOL
23 SUPERINTENDENT, THOSE BOUNDARIES SHALL BE THE LEGAL BOUNDARIES AND
24 DESCRIPTIONS OF THE SCHOOL DISTRICT WITHIN THAT COUNTY.

25 Sec. 2. Section 16-312, Arizona Revised Statutes, is amended to read:
26 16-312. Filing of nomination papers for write-in candidates

27 A. Any person desiring to become a write-in candidate for an elective
28 office in any election shall file a nomination paper, signed by the
29 candidate, giving the person's actual residence address or description of
30 place of residence and post office address, age, length of residence in the
31 state and date of birth.

32 B. A write-in candidate shall file the nomination paper not later than
33 5:00 p.m. on the fortieth day ~~prior to~~ BEFORE the election, except that:

34 1. A candidate running as a write-in candidate as provided in section
35 16-343, subsection D shall file the nomination paper not later than 5:00 p.m.
36 on the fifth day before the election.

37 2. A candidate running as a write-in candidate for an election that
38 may be canceled pursuant to section ~~15-424, 15-1442, 16-822, 48-802, 48-1012,~~
39 ~~48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208~~ 16-410 shall file the
40 nomination paper not later than 5:00 p.m. on the seventy-sixth day before the
41 election.

42 C. The write-in filing procedure shall be in the same manner as
43 prescribed in section 16-311. Any person who does not file a timely
44 nomination paper shall not be counted in the tally of ballots. The filing
45 officer shall not accept the nomination paper of a candidate for state or

1 local office unless the candidate provides or has provided both of the
2 following:

3 1. A political committee statement of organization or the five hundred
4 dollar threshold exemption statement for that office.

5 2. The financial disclosure statement as prescribed for candidates for
6 that office.

7 D. The secretary of state shall notify the various boards of
8 supervisors as to write-in candidates filing with the secretary of state's
9 office. The county school superintendent shall notify the appropriate board
10 of supervisors as to write-in candidates filing with the superintendent's
11 office. The board of supervisors shall notify the appropriate election board
12 inspector of all candidates who have properly filed such statements. In the
13 case of a city or town election, the city or town clerk shall notify the
14 appropriate election board inspector of candidates properly filed. No other
15 write-ins shall be counted. The election board inspector shall post the
16 notice of official write-in candidates in a conspicuous location within the
17 polling place.

18 E. Except as provided in section 16-343, subsection E, a candidate may
19 not file pursuant to this section if any of the following applies:

20 1. For a candidate in the general election, the candidate ran in the
21 immediately preceding primary election and failed to be nominated to the
22 office sought in the current election.

23 2. For a candidate in the general election, the candidate filed a
24 nomination petition for the immediately preceding primary election for the
25 office sought and failed to provide a sufficient number of valid petition
26 signatures as prescribed by section 16-322.

27 3. For a candidate in the primary election, the candidate filed a
28 nomination petition for the current primary election for the office sought
29 and failed to provide a sufficient number of valid petition signatures as
30 prescribed by section 16-322.

31 4. For a candidate in the general election, the candidate filed a
32 nomination petition for nomination other than by primary for the office
33 sought and failed to provide a sufficient number of valid petition signatures
34 as prescribed by section 16-341.

35 F. A person who files a nomination paper pursuant to this section for
36 the office of president of the United States shall designate in writing to
37 the secretary of state at the time of filing the name of the candidate's
38 vice-presidential running mate, the names of presidential electors who will
39 represent that candidate and a statement signed by the vice-presidential
40 running mate and designated presidential electors that indicates their
41 consent to be designated. A nomination paper for each presidential elector
42 designated shall be filed with the candidate's nomination paper. The number
43 of presidential electors shall equal the number of United States senators and
44 representatives in Congress from this state.

1 Sec. 3. Title 16, chapter 4, article 1, Arizona Revised Statutes, is
2 amended by adding section 16-410, to read:

3 16-410. Cancellation of certain elections; appointment to
4 office; filling vacancies

5 A. NOTWITHSTANDING ANY OTHER LAW, IN ANY ELECTION THAT IS TO BE HELD
6 PURSUANT TO TITLE 15, TITLE 48 OR SECTION 16-822, IF THE TOTAL OF THE NUMBER
7 OF PERSONS WHO FILE A NOMINATION PETITION FOR A CANDIDATE AND THE NUMBER OF
8 PERSONS WHO FILE A NOMINATION PAPER FOR A WRITE-IN CANDIDATE AS PRESCRIBED BY
9 CHAPTER 3, ARTICLES 2 AND 3 OF THIS TITLE IS LESS THAN OR EQUAL TO THE NUMBER
10 OF POSITIONS TO BE FILLED AT THE ELECTION FOR WHICH THE NOMINATION PETITION
11 OR NOMINATION PAPER IS FILED, THE COUNTY BOARD OF SUPERVISORS MAY CANCEL THE
12 ELECTION NO EARLIER THAN SEVENTY-FIVE DAYS BEFORE THE ELECTION AND APPOINT
13 THE PERSON OR PERSONS WHO FILED THE NOMINATION PETITION OR NOMINATION PAPER
14 TO FILL THE POSITION FOR THE TERM OF OFFICE FOR WHICH THE CANDIDATE WAS
15 NOMINATED BY THE QUALIFIED ELECTORS.

16 B. A PERSON WHO IS APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION
17 IS FULLY VESTED WITH THE POWERS AND DUTIES OF THE OFFICE AS IF ELECTED TO
18 THAT OFFICE.

19 C. IF NO NOMINATION PETITIONS FOR A CANDIDATE AND NO NOMINATION PAPERS
20 FOR A WRITE-IN CANDIDATE HAVE BEEN FILED TO FILL THE POSITION FOR WHICH THE
21 ELECTION WAS BEING HELD, THE POSITION IS DEEMED VACANT AND SHALL BE FILLED IN
22 ACCORDANCE WITH LAWS GOVERNING THE FILLING OF THOSE VACANCIES.

23 D. CANCELED ELECTIONS SHALL NOT APPEAR ON ANY BALLOT, BUT IF A
24 WITHDRAWAL OR DISQUALIFICATION OF ONE OR MORE CANDIDATES RESULTS IN THE
25 CANCELLATION OF AN ELECTION AFTER THE BALLOTS HAVE BEEN PRINTED, THE RESULTS
26 OF ANY VOTE FOR THAT OFFICE SHALL NOT BE CANVASSED.

27 Sec. 4. Section 16-411, Arizona Revised Statutes, is amended to read:

28 16-411. Designation of election precincts and polling places;
29 electioneering; wait times

30 A. Except as prescribed by subsection J of this section, the board of
31 supervisors of each county, on or before December 1 of each year preceding
32 the year of a general election, by an order, shall establish a convenient
33 number of election precincts in the county and define the boundaries of the
34 precincts. Such election precinct boundaries shall be so established as
35 included within election districts prescribed by law for elected officers of
36 the state and its political subdivisions including community college district
37 precincts, except those elected officers provided for in titles 30 and 48.

38 B. Not less than twenty days before a general or primary election, and
39 at least ten days before a special election, the board shall designate one
40 polling place within each precinct where the election shall be held, EXCEPT
41 THAT: —

42 1. Upon ON a specific finding of the board, included in the order or
43 resolution designating polling places pursuant to this subsection, that no
44 suitable polling place is available within a precinct, a polling place for
45 such precinct may be designated within an adjacent precinct.

1 2. Adjacent precincts may be combined if boundaries so established are
2 included in election districts prescribed by law for state elected officials
3 and political subdivisions including community college districts but not
4 including elected officials prescribed by titles 30 and 48. The officer in
5 charge of elections may also split a precinct for administrative purposes.
6 Any such polling places shall be listed in separate sections of the order or
7 resolution.

8 3. ON A SPECIFIC FINDING OF THE BOARD THAT THE NUMBER OF PERSONS WHO
9 ARE LISTED AS PERMANENT EARLY VOTERS PURSUANT TO SECTION 16-544 IS LIKELY TO
10 SUBSTANTIALLY REDUCE THE NUMBER OF VOTERS APPEARING AT ONE OR MORE SPECIFIC
11 POLLING PLACES AT THAT ELECTION, ADJACENT PRECINCTS MAY BE CONSOLIDATED BY
12 COMBINING POLLING PLACES AND PRECINCT BOARDS FOR THAT ELECTION. THE BOARD OF
13 SUPERVISORS SHALL ENSURE THAT A REASONABLE AND ADEQUATE NUMBER OF POLLING
14 PLACES WILL BE DESIGNATED FOR THAT ELECTION. ANY CONSOLIDATED POLLING PLACES
15 SHALL BE LISTED IN SEPARATE SECTIONS OF THE ORDER OR RESOLUTION OF THE BOARD.

16 C. If the board fails to designate the place for holding the election,
17 or if it cannot be held at or about the place designated, the justice of the
18 peace in the precinct, two days before the election, by an order, copies of
19 which he THE JUSTICE OF THE PEACE shall immediately post in three public
20 places in the precinct, shall designate the place within the precinct for
21 holding the election. If there is no justice of the peace in the precinct,
22 or if the justice of the peace fails to do so, the election board of the
23 precinct shall designate and give notice of the place within the precinct of
24 holding the election. For any election in which there are no candidates for
25 elected office appearing on the ballot, the board may consolidate polling
26 places and precinct boards and may consolidate the tabulation of results for
27 that election if all of the following apply:

28 1. All affected voters are notified by mail of the change at least
29 thirty-three days before the election.

30 2. Notice of the change in polling places includes notice of the new
31 voting location, notice of the hours for voting on election day and notice of
32 the telephone number to call for voter assistance.

33 3. All affected voters receive information on early voting that
34 includes the application used to request an early voting ballot.

35 D. The board is not required to designate a polling place for special
36 district mail ballot elections held pursuant to article 8.1 of this chapter,
37 but the board may designate one or more sites for voters to deposit marked
38 ballots until 7:00 p.m. on the day of the election.

39 E. Except as provided in subsection F of this section, a public school
40 shall provide sufficient space for use as a polling place for any city,
41 county or state election when requested by the officer in charge of
42 elections.

43 F. The principal of the school may deny a request to provide space for
44 use as a polling place for any city, county or state election if, within two
45 weeks after a request has been made, the principal provides a written

1 statement indicating a reason the election cannot be held in the school,
2 including any of the following:

3 1. Space is not available at the school.

4 2. The safety or welfare of the children would be jeopardized.

5 G. The board shall make available to the public as a public record a
6 list of the polling places for all precincts in which the election is to be
7 held including identification of polling place changes that were submitted to
8 the United States department of justice for approval.

9 H. Except in the case of an emergency, any facility that is used as a
10 polling place on election day shall allow persons to electioneer and engage
11 in other political activity outside of the seventy-five foot limit prescribed
12 by section 16-515 in public areas and parking lots used by voters. This
13 subsection shall not be construed to permit the temporary or permanent
14 construction of structures in public areas and parking lots or the blocking
15 or other impairment of access to parking spaces for voters.

16 I. The secretary of state shall provide through the instructions and
17 procedures manual adopted pursuant to section 16-452 the maximum allowable
18 wait time for any election that is subject to section 16-204 and provide for
19 a method to reduce voter wait time at the polls in the primary and general
20 elections. The method shall consider at least all of the following for
21 primary and general elections in each precinct:

22 1. The number of ballots voted in the prior primary and general
23 elections.

24 2. The number of registered voters who voted early in the prior
25 primary and general elections.

26 3. The number of registered voters and the number of registered voters
27 who cast an early ballot for the current primary or general election.

28 4. The number of election board members and clerks and the number of
29 rosters that will reduce voter wait time at the polls.

30 J. The board of supervisors of a county shall not change precinct
31 lines during the period after July 31, 2008 and before January 1, 2011. The
32 board of supervisors may subdivide an election precinct for administrative
33 purposes or may provide for more than one polling place within the boundaries
34 of the election precincts established for use in voting in elections held
35 after July 31, 2008 and before January 1, 2011. In providing for multiple
36 polling places within a precinct, the board of supervisors shall consider the
37 particular population characteristics of each precinct in order to provide
38 the voters the most reasonable access to the polls possible.

39 Sec. 5. Section 16-542, Arizona Revised Statutes, is amended to read:

40 16-542. Request for ballot

41 A. Within ninety-three days before any election called pursuant to the
42 laws of this state, an elector may make a verbal or signed request to the
43 county recorder, or other officer in charge of elections for the applicable
44 political subdivision of this state in whose jurisdiction the elector is
45 registered to vote, for an official early ballot. In addition to name and

1 address, the requesting elector shall provide the date of birth and state or
2 country of birth or other information that if compared to the voter
3 registration information on file would confirm the identity of the elector.
4 If the request indicates that the elector needs a primary election ballot and
5 a general election ballot, the county recorder or other officer in charge of
6 elections shall honor the request. For any partisan primary election, if the
7 elector is not registered as a member of a political party that is entitled
8 to continued representation on the ballot pursuant to section 16-804, the
9 elector shall designate the ballot of only one of the political parties that
10 is entitled to continued representation on the ballot and the elector may
11 receive and vote the ballot of only that one political party. The county
12 recorder may establish on-site early voting locations at the recorder's
13 office, which shall be open and available for use beginning the same day that
14 a county begins to send out the early ballots. The county recorder may also
15 establish any other early voting locations in the county the recorder deems
16 necessary.

17 B. Notwithstanding subsection A of this section, a request for an
18 official early ballot from an absent uniformed services voter or overseas
19 voter as defined in the uniformed and overseas citizens absentee voting act
20 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter
21 whose information is protected pursuant to section 16-153 that is received by
22 the county recorder or other officer in charge of elections more than
23 ninety-three days before the election is valid. If requested by the absent
24 uniformed services or overseas voter, or a voter whose information is
25 protected pursuant to section 16-153, the county recorder or other officer in
26 charge of elections shall provide to the requesting voter early ballot
27 materials through the next two regularly scheduled general elections for
28 federal office immediately following receipt of the request.

29 C. The county recorder or other officer in charge of elections shall
30 mail the early ballot and the envelope for its return postage prepaid to the
31 address provided by the requesting elector within five days after receipt of
32 the official early ballots from the officer charged by law with the duty of
33 preparing ballots pursuant to section 16-545, except that early ballot
34 distribution shall not begin more than twenty-six days before the election.
35 ~~All~~ IF AN early ballot ~~request~~ REQUEST IS received on or before the
36 thirtieth day before the election, THE EARLY BALLOT shall be distributed on
37 the twenty-sixth day before the election.

38 D. Only the elector may be in possession of that elector's unvoted
39 early ballot. If a complete and correct request is made by the elector
40 within twenty-six days before the election, the mailing must be made within
41 forty-eight hours after receipt of the request. Saturdays, Sundays and other
42 legal holidays are excluded from the computation of the forty-eight hour
43 period prescribed by this subsection. If a complete and correct request is
44 made by an absent uniformed services voter or an overseas voter before the
45 election, the regular early ballot shall be transmitted by mail, by fax or by

1 other electronic format approved by the secretary of state within twenty-four
2 hours after the early ballots are delivered pursuant to section 16-545,
3 subsection B, excluding Sundays.

4 E. In order to be complete and correct and to receive an early ballot
5 by mail, an elector's request that an early ballot be mailed to the elector's
6 residence or temporary address must include all of the information prescribed
7 by subsection A of this section and must be received by the county recorder
8 or other officer in charge of elections no later than 5:00 p.m. on the
9 eleventh day preceding the election. An elector who appears personally no
10 later than 5:00 p.m. on the Friday preceding the election at an on-site early
11 voting location that is established by the county recorder or other officer
12 in charge of elections shall be given a ballot and permitted to vote at the
13 on-site location. If an elector's request to receive an early ballot is not
14 complete and correct but complies with all other requirements of this
15 section, the county recorder or other officer in charge of elections shall
16 attempt to notify the elector of the deficiency of the request.

17 F. Unless an elector specifies that the address to which an early
18 ballot is to be sent is a temporary address, the recorder may use the
19 information from an early ballot request form to update voter registration
20 records.

21 G. The county recorder or other officer in charge of early balloting
22 shall provide an alphabetized list of all voters in the precinct who have
23 requested and have been sent an early ballot to the election board of the
24 precinct in which the voter is registered not later than the day prior to the
25 election.

26 H. As a result of an emergency occurring between 5:00 p.m. on the
27 second Friday preceding the election and 5:00 p.m. on the Monday preceding
28 the election, qualified electors may request to vote early in the manner
29 prescribed by the county recorder of their respective county. For the
30 purposes of this subsection, "emergency" means any unforeseen circumstances
31 that would prevent the elector from voting at the polls.

32 I. A candidate or political committee may distribute early ballot
33 request forms to voters. If the early ballot request forms include a printed
34 address for return to an addressee other than a political subdivision, the
35 addressee shall be the candidate or political committee that paid for the
36 printing and distribution of the request forms. All early ballot request
37 forms that are received by a candidate or political committee shall be
38 transmitted as soon as practicable to the political subdivision that will
39 conduct the election.

40 Sec. 6. Section 16-544, Arizona Revised Statutes, is amended to read:
41 16-544. Permanent early voting list

42 A. Any voter may request to be included on a permanent list of voters
43 to receive an early ballot for any election for which the county voter
44 registration roll is used to prepare the election register. The county

1 recorder of each county shall maintain the permanent early voting list as
2 part of the voter registration roll.

3 B. In order to be included on the permanent early voting list, the
4 voter shall make a written request specifically requesting that the voter's
5 name be added to the permanent early voting list for all elections in which
6 the applicant is eligible to vote. A PERMANENT EARLY VOTER REQUEST FORM
7 SHALL CONFORM TO REQUIREMENTS PRESCRIBED IN THE INSTRUCTIONS AND PROCEDURES
8 MANUAL ISSUED PURSUANT TO SECTION 16-452. The application shall allow for
9 the voter to provide the voter's name, residence address, mailing address in
10 the voter's county of residence, date of birth and signature. The voter
11 shall not list a mailing address that is outside of the voter's county of
12 residence for the purpose of the permanent early voting list unless the voter
13 is an absent uniformed services voter or overseas voter as defined in the
14 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42
15 United States Code section 1973ff-6). In lieu of the application, the
16 applicant may submit a written request that contains the required
17 information.

18 C. On receipt of a request to be included on the permanent early
19 voting list, the county recorder or other officer in charge of elections
20 shall compare the signature on the request form with the voter's signature on
21 the voter's registration form and, if the request is from the voter, shall
22 mark the voter's registration file as a permanent early ballot request.

23 D. Not less than ~~one hundred twenty~~ NINETY days before any POLLING
24 PLACE election scheduled in March or ~~September~~ AUGUST, the county recorder or
25 other officer in charge of elections shall mail to all voters who are
26 eligible for the election and who are included on the permanent early voting
27 list an election notice by nonforwardable mail that is marked with the
28 statement required by the postmaster to receive an address correction
29 notification. IF AN ELECTION IS NOT FORMALLY CALLED BY A JURISDICTION BY THE
30 ONE HUNDRED TWENTIETH DAY BEFORE THE ELECTION, THE RECORDER OR OTHER OFFICER
31 IN CHARGE OF ELECTIONS IS NOT REQUIRED TO SEND THE ELECTION NOTICE. The
32 notice shall include the dates of the elections that are the subject of the
33 notice, the dates that the voter's ballot is expected to be mailed and the
34 address where the ballot will be mailed. If the upcoming election is a
35 partisan open primary election and the voter is not registered as a member of
36 one of the political parties that is recognized for purposes of that primary,
37 the notice shall include information on the procedure for the voter to
38 designate a political party ballot. The notice shall be delivered with
39 return postage prepaid and shall also include a means for the voter to do any
40 of the following:

41 1. Change the mailing address for the voter's ballot to another
42 location in the voter's county of residence.

43 2. Update the voter's residence address in the voter's county of
44 residence.

1 3. Request that the voter not be sent a ballot for the upcoming
2 election or elections indicated on the notice.

3 E. If the notice that is mailed to the voter is returned undeliverable
4 by the postal service, the county recorder or other officer in charge of
5 elections shall take the necessary steps to contact the voter at the voter's
6 new residence address in order to update that voter's address or to move the
7 voter to inactive status as prescribed in section 16-166, subsection A. If a
8 voter is moved to inactive status, the voter shall be removed from the
9 permanent early voting list. If the voter is removed from the permanent
10 early voting list, the voter shall only be added to the permanent early
11 voting list again if the voter submits a new request pursuant to this
12 section.

13 F. Not later than on the first day of early voting, the county
14 recorder or other officer in charge of elections shall mail an early ballot
15 to all eligible voters included on the permanent early voting list in the
16 same manner prescribed in section 16-542, subsection C. If the voter has not
17 returned the notice or otherwise notified the election officer within
18 forty-five days before the election that the voter does not wish to receive
19 an early ballot by mail for the election or elections indicated, the ballot
20 shall automatically be scheduled for mailing.

21 G. If a voter who is on the permanent early voting list is not
22 registered as a member of a recognized political party and fails to notify
23 the county recorder of the voter's choice for political party ballot within
24 forty-five days before a partisan open primary election, the following apply:

25 1. The voter shall not automatically be sent a ballot for that
26 partisan open primary election only and the voter's name shall remain on the
27 permanent early ~~ballot~~ VOTING list for future elections.

28 2. To receive an early ballot for the primary election, the voter
29 shall submit the voter's choice for political party ballot to the county
30 recorder.

31 H. After a voter has requested to be included on the permanent early
32 voting list, the voter shall be sent an early ballot by mail automatically
33 for any election at which a voter at that residence address is eligible to
34 vote until any of the following occurs:

35 1. The voter requests in writing to be removed from the permanent
36 early ~~ballot~~ VOTING list.

37 2. The voter's registration or eligibility for registration is moved
38 to inactive status or canceled as otherwise provided by law.

39 3. The notice sent by the county recorder or other officer in charge
40 of elections is returned undeliverable and the county recorder or officer in
41 charge of elections is unable to contact the voter to determine the voter's
42 continued desire to remain on the list.

43 I. A voter may make a written request at any time to be removed from
44 the permanent early voting list. The request shall include the voter's name,
45 residence address, date of birth and signature. On receipt of a completed

1 request to remove a voter from the permanent early voting list, the county
2 recorder or other officer in charge of elections shall remove the voter's
3 name from the list as soon as practicable.

4 J. An absent uniformed services voter or overseas voter as defined in
5 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
6 42 United States Code section 1973ff-6) is eligible to be placed on the
7 permanent early voting list pursuant to this section.

8 K. A voter's failure to vote an early ballot once received does not
9 constitute grounds to remove the voter from the permanent early voting list.

10 Sec. 7. Emergency

11 This act is an emergency measure that is necessary to preserve the
12 public peace, health or safety and is operative immediately as provided by
13 law.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.